

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
) MUR 6711
FreedomWorks for America)
and Ryan Hecker, as Treasurer)

FREEDOMWORKS FOR AMERICA'S RESPONSE TO THE COMPLAINT

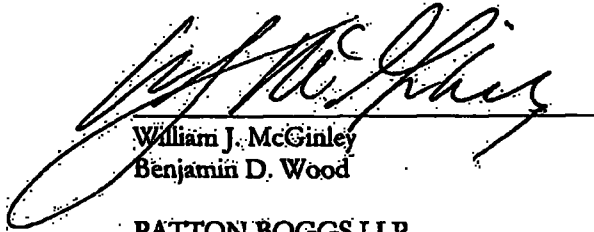
FreedomWorks for America and Ryan Hecker, as Treasurer, (collectively "FWFA") hereby respond to the complaint in the above-captioned matter. The Complaint must be dismissed against FWFA because it does not name FWFA as a Respondent and does not allege that FWFA violated the Federal Election Campaign Act of 1971, as amended, or Federal Election Commission ("Commission") regulations. *See, e.g.,* Complaint ¶ 13.

Commission precedents hold that the burden does not shift to respondents in an enforcement action merely because a complaint has been filed that references them. *See* MUR-4850 (Deloitte & Touche, LLP, et al.), Statement of Reasons of Commissioners Darryl R. Wold, David M. Mason, and Scott E. Thomas at 2 ("The burden of proof does not shift to a respondent merely because a complaint is filed."). Accordingly, based on a four-corners reading of the Complaint, there is no factual or legal basis for the Commission to find reason to believe in this matter, and the Commission should dismiss the complaint, close the file and take no further action against FWFA.

If the Office of General Counsel references or develops information not cited in the Complaint in determining whether to recommend that the Commission find reason to believe in this matter, we must be given—and hereby respectfully request—an opportunity to review the additional information used by the OGC and to provide an appropriate response prior to the Commission's reason to believe vote. *See* Federal Election Commission, Request for Comment on Enforcement Process, 78 Fed. Reg. 4081 (January 18, 2013).

For all the foregoing reasons, there is no legal or factual basis for finding reason to believe against FWFA and the Commission must dismiss the complaint as against FWFA, close the file, and take no further action.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'W. McGinley', is written over a horizontal line. Below the line, the names 'William J. McGinley' and 'Benjamin D. Wood' are printed.

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February 14, 2013